

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MARIA DIAZ,	)	
	)	
Plaintiff,	)	
vs.	)	
	)	Civil Action No. 3:22-cv-30160-MGM
EXPERIAN INFORMATION SOLUTIONS, INC.,	)	
EQUIFAX INFORMATION SERVICES, LLC,	)	
TRANSUNION, LLC, CITIBANK, N.A.,	)	
BARCLAYS BANK DELAWARE and	)	
BANK OF AMERICA, N.A.,	)	
	)	
Defendants.	)	
	)	

**DEFENDANT EQUIFAX INFORMATION SERVICES LLC'S  
ANSWER AND DEFENSES TO PLAINTIFF'S COMPLAINT**

Defendant Equifax Information Services LLC ("Equifax"), by and through undersigned counsel, hereby files its Answer and Defenses to the Complaint as follows:

**PRELIMINARY STATEMENT**

In answering the Complaint and responding to the specific allegations in the enumerated paragraphs, Equifax states that it is responding to allegations on behalf of itself only, even where the allegations pertain to alleged conduct by all Defendants. Equifax denies any and all allegations in the headings and/or unnumbered paragraphs in the Complaint.

**INTRODUCTION**

1. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1.
2. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.
3. Equifax denies the allegations in Paragraph 3.

4. Equifax admits Plaintiff purports to bring claims pursuant to the Fair Credit Reporting Act (“FCRA”). Equifax denies any allegation it violated the FCRA as alleged in Paragraph 4.

5. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.

6. Equifax denies the allegations in Paragraph 6.

7. Equifax denies the allegations in Paragraph 7.

### **JURISDICTION**

8. To the extent Plaintiff has properly alleged the claims, Equifax admits that jurisdiction is proper as to Equifax. Equifax denies that it violated the FCRA as alleged in Paragraph 8.

9. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9.

### **PARTIES**

10. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10.

11. Equifax admits that it conducts business as a consumer reporting agency as defined by the FCRA. Equifax further admits that it assembles consumer credit information for the purpose of furnishing consumer reports to third parties. Equifax states that the FCRA speaks for itself, and to the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the allegations in Paragraph 11. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 11.

12. Equifax admits to the allegations in Paragraph 12.

13. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13.

14. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14.

15. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15.

16. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16.

17. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

18. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18.

19. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19.

#### **FACTUAL ALLEGATIONS**

20. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20. Equifax denies any allegation of reporting inaccurate information in Plaintiff's credit file.

21. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21.

22. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22. Equifax denies any allegation of reporting inaccurate information in Plaintiff's credit file.

23. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

24. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24. Equifax denies any allegation of reporting inaccurate information in Plaintiff's credit file.

25. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25.

26. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26.

27. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27.

28. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28.

29. Equifax denies the allegations in Paragraph 29.

30. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30.

31. Equifax denies the allegations in Paragraph 31.

32. Equifax denies the allegations in Paragraph 32.

33. Equifax denies the allegations in Paragraph 33.

34. Equifax denies the allegations in Paragraph 34.

35. Equifax denies any allegation it caused Plaintiff to suffer any damages. Equifax denies it violated the FCRA. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 35.

36. Equifax denies the allegations in Paragraph 36.

**COUNT I**  
**VIOLATIONS OF THE FAIR CREDIT REPORTING ACT**  
**15 U.S.C. § 1681i**  
**AGAINST EQUIFAX**

37. Equifax reasserts and re-alleges its responses and defenses as set forth above.

38. Equifax admits to the allegations in Paragraph 38.

39. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the allegations in Paragraph 39.

40. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40. Equifax denies any allegation of reporting inaccurate information in Plaintiff's credit file.

41. Equifax denies the allegations in Paragraph 41.

42. Equifax denies the allegations in Paragraph 42.

43. Equifax denies any allegation it caused Plaintiff to suffer any damages. Equifax denies it violated the FCRA. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 43.

**COUNT II**  
**VIOLATIONS OF THE FAIR CREDIT REPORTING ACT**  
**15 U.S.C. § 1681i**  
**AGAINST EXPERIAN**

44. Equifax reasserts and re-alleges its responses and defenses as set forth above.

45. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the allegations in Paragraph 45.

46. Equifax states that the FCRA speaks for itself. To the extent Plaintiff misstates, misquotes, or mischaracterizes the FCRA, Equifax denies the allegations in Paragraph 46.

47. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47.

48. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48.

49. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49.

50. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50.

**COUNT III**  
**FAILURE TO INVESTIGATE DISPUTE**  
**FCRA, 15 U.S.C. § 1681s-2(b)**  
**AGAINST CITIBANK**

51. Equifax reasserts and re-alleges its responses and defenses as set forth above.

52. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52.

53. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53.

54. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54.

55. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55.

56. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56.

57. Equifax is without knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 57.

58. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58.

**COUNT IV**  
**IMPERMISSIBLE PULLS**  
**FCRA, 15 U.S.C. § 1681b(a)**  
**AGAINST CITIBANK**

59. Equifax reasserts and re-alleges its responses and defenses as set forth above.

60. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60.

61. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61.

62. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62.

63. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63.

64. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64.

65. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65.

66. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66.

67. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67.

68. Equifax is without knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 68.

**COUNT V**  
**FAILURE TO INVESTIGATE DISPUTE**  
**FCRA, 15 U.S.C. § 1681s-2(b)**  
**AGAINST BOA**

69. Equifax reasserts and re-alleges its responses and defenses as set forth above.

70. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70.

71. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71.

72. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72.

73. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73.

74. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74.

75. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75.

76. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76.

**COUNT VI**  
**VIOLATIONS OF THE FAIR CREDIT REPORTING ACT**  
**15 U.S.C. § 1681c-2**  
**AGAINST EQUIFAX**

77. Equifax reasserts and re-alleges its responses and defenses as set forth above.

78. Equifax is without knowledge or information sufficient to form a belief as to the



truth of the allegations in Paragraph 78.

79. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79.

80. Equifax denies the allegations in Paragraph 80.

81. Equifax denies the allegations in Paragraph 81.

82. Equifax denies any allegation it caused Plaintiff to suffer any damages. Equifax denies it violated the FCRA. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 82.

**COUNT VII**  
**VIOLATIONS OF THE FAIR CREDIT REPORTING ACT**  
**15 U.S.C. § 1681c-2**  
**AGAINST EXPERIAN**

83. Equifax reasserts and re-alleges its responses and defenses as set forth above.

84. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84.

85. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85.

86. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86.

87. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87.

88. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88.

**COUNT VII**  
**VIOLATIONS OF THE FAIR CREDIT REPORTING ACT**  
**15 U.S.C. § 1681c-2**  
**AGAINST EXPERIAN**

89. Equifax reasserts and re-alleges its responses and defenses as set forth above.

90. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90.

91. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91.

92. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92.

93. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93.

94. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94.

**COUNT IX**  
**VIOLATIONS OF THE FAIR CREDIT REPORTING ACT**  
**15 U.S.C. § 1681i**  
**AGAINST TRANSUNION**

95. Equifax reasserts and re-alleges its responses and defenses as set forth above.

96. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96.

97. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97.

98. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98.

99. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99.

100. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100.

101. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101.

### **DEMAND FOR TRIAL BY JURY**

102. Equifax admits that Plaintiff has requested a trial by jury on all issues so triable.

### **PRAYER FOR RELIEF**

Equifax denies that Plaintiff is entitled to any of the relief requested in the unnumbered paragraph entitled, “PRAYER FOR RELIEF,” including all subparts.

### **DEFENSES**

Without assuming the burden of proof where it otherwise rests with Plaintiff, Equifax pleads the following defenses to the Complaint:

#### **FIRST DEFENSE**

At all pertinent times, Equifax maintained reasonable procedures to assure maximum possible accuracy in its credit reports.

#### **SECOND DEFENSE**

Plaintiff’s damages, if any, were not caused by Equifax, but by another person or entity for whom or for which Equifax is not responsible.

**THIRD DEFENSE**

Equifax has complied with the Fair Credit Reporting Act in its handling of Plaintiff's credit file and is entitled to each and every defense stated in the Act and any and all limitations of liability.

**FOURTH DEFENSE**

Plaintiff cannot meet the requirements of 15 U.S.C. § 1681n in order to recover punitive or statutory damages.

**FIFTH DEFENSE**

Equifax adopts by reference the defenses, criteria, limitations, standards and constitutional protections mandated or provided by the United States Supreme Court in the following cases: *BMW v. Gore*, 517 U.S. 559 (1996); *Cooper Indus., Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 923 (2001); *State Farm v. Campbell*, 538 U.S. 408 (2003), and *Safeco Insurance Co. of America v. Burr*, 551 U.S. 47 (2007).

Equifax reserves the right to assert additional defenses that it learns through the course of discovery.

**WHEREFORE**, having fully answered or otherwise responded to the allegations in Plaintiff's Complaint, Equifax prays that:

- (1) Plaintiff's Complaint be dismissed in its entirety and with prejudice, with all costs taxed against Plaintiff;
- (2) Equifax be dismissed as a party to this action;
- (3) Equifax recover such other and additional relief as the Court deems just and appropriate.

Respectfully submitted this 5<sup>th</sup> day of May, 2023.

**DEFENDANT EQUIFAX INFORMATION  
SERVICES LLC**

By its attorneys,

/s/ Julianna M. Charpentier

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